

RECEIVED  
CENTRAL FAX CENTER

Practitioner's Docket No. 021878.0002US1

DEC 13 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Tye

Application No.: 10/046,066

Group No.: 3652

Filed: 01/15/2002

Examiner: Paul T. Chin

For: Bottle Loading and Unloading Tool With Extendable Arms

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY  
FOR FAILURE TO REPLY TO A FINAL REJECTION

1. This application became abandoned on August 26, 2005.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. ' 1.137(b)(3).

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional )*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300

Date: 12/13/05

Signature

Jacquelyn Campbell

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations

Petition to revive application abandoned unintentionally for failure to reply to a final rejection—page 1 of 2

RECEIVED  
CENTRAL FAX CENTER

DEC 13 2005

3. Reply

With respect to the outstanding requirements applicant files herewith a request for continued examination (RCE) accompanied by a submission and the requisite fee) under 37 C.F.R. ' 1.114.

4. Fee (37 C.F.R. ' 1.17(m))

Applicant=s status is: Small entity — fee \$750.00. A statement was filed on January 15, 2002.

5. Fee Payment

Authorization is hereby made to charge the amount of \$750.00 to Deposit Account No. 502191.

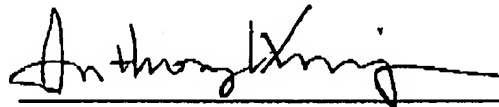
**WARNING:** Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

6. Showing

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. ' 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8<sup>th</sup> Edition, Rev.2).

Date: Dec. 13, 2005



Anthony King  
Registration No. 49063  
Rutan & Tucker, LLP  
611 Anton Blvd., Suite 1400  
Costa Mesa, CA 92626  
US  
714-641-5100  
Customer No. 34284

RECEIVED  
CENTRAL FAX CENTER

DEC 13 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Tye

Serial No: 10/046066

Filed: January 15, 2002

For: Bottle Loading and Unloading Tool  
with Extendable Arms

Group No: 3652

Examiner: Paul Chin

App. Atty. Ref: 021878.0002US1

**Declaration in Support of Petition to Revival of a Patent Abandoned  
Unintentionally under 37 CFR § 1.137(b)**

Mail Stop: Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

I, Jacquelyn Campbell, hereby declare under oath as follows:

1. I am a paralegal at the law firm of Rutan & Tucker, LLP.
2. A Final Office Action was issued on January 27, 2005 and mailed to former counsel.
3. The case was transferred and a new Power of Attorney appointing Rutan & Tucker, LLP was filed on March 23, 2005.
4. A Notice of Acceptance of Power of Attorney was issued on April 19, 2005.
5. A Notice of Abandonment was issued on August 26, 2005 by the United States Patent Office and sent to the incorrect address and never received by the applicant or Rutan & Tucker, LLP.
6. On December 7, 2005 a follow-up phone call to Examiner Chin regarding the status of the application was made by Jacquelyn Campbell of Rutan & Tucker, LLP. Examiner Chin indicated that the Notice of Abandonment had been issued, but mailed the wrong address.

2279/102981-0001US1  
629104.01 12/12/05

-1-

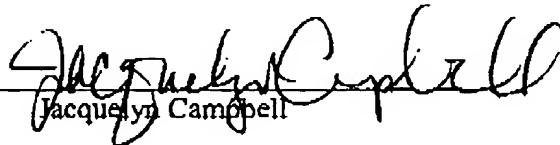
7. On December 8, 2005 Anthony King of Rutan & Tucker, LLP spoke with Examiner Chin regarding same. Anthony requested that a copy of the Notice of Abandonment be faxed to Rutan & Tucker, LLP immediately.
8. Upon receipt of the Notice of Abandonment prepared the Petition to Revive.
9. This Declaration is accompanied by a Petition to Revive and the Request for Continued Examination.
10. Applicant had no intention of abandoning the subject application.

I hereby declare, having been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the accompanying Petition or any resulting patent, that I am a paralegal working with one of the attorneys of record in the above-captioned application, and, therefore, properly authorized to execute this Declaration. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated.

12/13/05

By:

  
Jacquelyn Campbell